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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Lezmond Charles Mitchell,  
10 Defendant/Movant,  
11 v.  
12 United States of America,  
13 Plaintiff/Respondent.

No. CV-09-08089-PCT-DGC

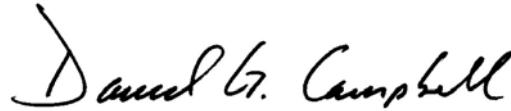
**ORDER**

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15 Before the Court is Defendant's unopposed motion for an extension of time to file  
16 a reply in support of his motion for relief from judgment under Rule 60(b)(6). (Doc. 77.)  
17 Defendant acknowledges that the deadline to file his reply under Local Rule 7.2(d) has  
18 passed. (*Id.* at 2.) Accordingly, his requested extension may be granted on a showing of  
19 good cause and excusable neglect. Fed. R. Civ. P. 6(b)(1)(B) ("When an act may or must  
20 be done within a specified time, the court may, for good cause, extend the time . . . on  
21 motion made after the time has expired if the party failed to act because of excusable  
22 neglect.").

23 A mistake in docketing does not ordinarily constitute excusable neglect. *See*  
24 *Briones v. Riviera Hotel & Casino*, 116 F.3d 379, 381 (9th Cir. 1997). However, because  
25 Respondent does not oppose to the extension, the requested extension is brief and will not  
26 impact any other proceedings, and there is no indication that Defendant acted in bad faith,  
27 the Court finds that Defendant's failure to meet the deadline is excusable, and further  
28 finds good cause to grant Defendant's motion for an extension of time. Therefore,

1 IT IS ORDERED that Defendant file his reply on or before June 18, 2018.

2 Dated this 14th day of June, 2018.

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7 David G. Campbell  
8 United States District Judge  
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